IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 814 of 1997
Date of decision 31.8.2006

Mahavir Singh .. petitioner

Versus

Registrar, Cooperative Society and others .. Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: None

M.M.Kumar, J.

The petitioner was working as acting Manager since 25.11.1985 whereas his substantive appointment was that of Field Officer on which he was promoted on 22.3.1978. The respondent no.2 is a Cooperative Bank. The rules with regard to conditions of service of employees were framed under Section 84A of Punjab Cooperative Societies Act, 1961 which are known as Staff Service Rules, 1974 (for brevity 'the Rules'). Some amendments were made in these rules in 1993. As a result the petitioner became ineligible as he did not possess necessary educational qualification. The petitioner is a matriculate whereas the educational qualification required was graduate. As a consequence the petitioner was deprived of officiating or acting charge of Manager by the impugned order dated 1.6.1996.

A Division Bench of this court on 29.4.1996 dismissed Civil Writ Petition No. 15113 of 1994 filed by Rohtas Singh and others. Facts in aforesaid petition are almost identical to the facts of the case in hand. When the writ petition came up for consideration on 20.1.1997 a Division Bench of this Court had adjourned the proceedings because against Rohtas Singh's

judgement (supra) SLP No. 15182 of 1996 had been filed and was pending. This petition was ordered to be put up after the decision of Hon'ble the Supreme Court. The Supreme Court has now dismissed the special Leave petition thus upholding the Division Bench judgment of this Court in Rohtas Singh's case (supra). A copy of the order of the Supreme Court has been brought on record. Accordingly, this petition is liable to be dismissed.

In view of the above, this petition fails and is accordingly dismissed.

(M.M.Kumar)
Judge

(M.M.S.Bedi)
Judge

31.8.2006
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